

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TAMAR HOD, M.D.,

Complainant,

v.

Civil Action No. _____

BRIGHAM AND WOMEN’S HOSPITAL,
INC.; THE GENERAL HOSPITAL
CORPORATION; PARTNERS
HEALTHCARE SYSTEM, INC.; JOSEPH
BONVENTRE, M.D.,

Respondents.

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NOTICE OF REMOVAL

Defendants Brigham and Women’s Hospital, Inc. (“BWH”), The General Hospital Corporation, and Joseph Bonventre, M.D. (collectively “Defendants”) hereby remove from the Superior Court Department of the Trial Court, Suffolk County, Commonwealth of Massachusetts, the case captioned Tamar Hod M.D. v. Brigham and Women’s Hospital, Inc. et al., Civil Action No. 1984CV00242 (hereinafter the “state court action”). In support of this Notice of Removal, Defendants state:

I. Introduction

1. On or about January 24, 2019, Plaintiff Tamar Hod, M.D. (“Plaintiff”) filed the state court action. See Summons and Complaint and Related Papers (“Complaint”), filed herewith as Exhibit 1. See also Suffolk Superior Court Case Docket, printed February 27, 2019, filed herewith as Exhibit 2.

2. This is an employment case; Plaintiff states that her contract of employment was wrongfully terminated and that she was mistreated because of her national origin. See Complaint, ¶¶ 107-172.

II. Service of the State Court Action

3. Defendants accepted service of the Complaint in the state court action on February 6, 2019. See Acceptance of Service Paperwork, filed herewith as Exhibit 3.

4. A copy of all process, pleadings, and orders served upon Defendants are attached at Exhibit 1.

III. Bases for Removal

5. Plaintiff alleges throughout her Complaint that Defendants mistreated her because of her national origin in violation of Title VII. See, e.g., Complaint, ¶¶ 137-144, 159-172.

6. A federal question is evident on the “face of the complaint,” and it may, therefore, be removed. See Gully v. First Nat’l Bank, 299 U.S. 109, 113 (1936); Rossello-Gonzalez v. Calderon-Serra, 398 F.3d 1, 10 (1st Cir. 2004).¹

7. This Court has jurisdiction over a Title VII claim under 28 U.S.C. § 1331. Defendants may remove the state court action to this Court under 28 U.S.C. §§ 1441 and 1446. The Court has supplemental jurisdiction over Plaintiff’s state claims (the Complaint also contains common law contractual claims and alleges violations of the state fair employment practices act, M.G.L. c. 151B) under 28 U.S.C. § 1367.

¹ It is plain in the Complaint that “Title VII” is Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. See Complaint, in count captioned “National Origin Discrimination Under Title VII,” ¶ 142 (“Dr. Hod experienced disparate treatment in material aspects of her employment as a result of her national origin.”).

8. In addition, this Court has subject matter jurisdiction based on diversity of parties, 28 U.S.C. § 1332: Plaintiff is a resident of Israel; all Defendants of Massachusetts; Plaintiff states the amount in controversy exceeds \$75,000. Complaint, ¶¶ 17-21; *id.*, at state court civil action cover sheet (ad damnum describing more than \$100,000 in damages).

IV. Conclusion

9. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly file written notice of the filing of this Notice of Removal with the Clerk of the Suffolk Superior Court. Defendants will also serve a copy of the notice filed with the Suffolk Superior Court on Plaintiff's counsel.

10. This Notice of Removal is filed within thirty days of receipt of service. See 28 U.S.C. § 1446(b).

11. Nothing in this Notice of Removal or related documents should be interpreted as a waiver or relinquishment of the rights of Defendants to assert any defense or affirmative matter in this action.

WHEREFORE, Defendants request that the case styled Tamar Hod M.D. v. Brigham and Women's Hospital, Inc. et al., Civil Action No. 1984CV00242 be removed from the Superior Court Department of the Trial Court, Suffolk County, Massachusetts to this Court.

Respectfully submitted,

BRIGHAM AND WOMEN'S HOSPITAL, INC.,
THE GENERAL HOSPITAL CORPORATION,
and JOSEPH BONVENTRE, M.D.,

By their attorneys,

/s/ Eugene J. Sullivan III

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Dated: February 27, 2019

Certificate of Service

Undersigned certifies that on this date he filed this document via the ECF system and he caused a true copy of this document to be served upon counsel for plaintiff, David J. Shlansky, Esq., Shlansky Law Group, 1 Winnisimmet St, Chelsea MA 02150, by email (David.shlansky@slglawfirm.com).

Dated: February 27, 2019

/s/ Eugene J. Sullivan III